

REMARKS

Claims 1, 3-5, and 7-13 are pending in this application.

Applicant has amended claims 1, 3, 5, 7, and 9-13, and has canceled claims 2 and 6.

These changes do not introduce any new matter.

Rejection under 35 U.S.C. § 102

In the Office Action, claims 1, 2, 5, 6, and 9-13 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Uchino et al.* (“*Uchino*”) (U.S. Patent Application Publication No. 2002/0008771 A1) (as noted above, claims 2 and 6 have been canceled herein). As will be explained in more detail below, the *Uchino* reference does not disclose each and every feature of independent claims 1, 5, and 10-13, as amended herein.

Applicant has amended each of independent claims 1, 5, and 10-13 to specify that the image processing control information includes light metering information showing whether a specific metering method measuring light in a specified field of view is used to photograph the image data, with the specified field of view being a part of an image expressed by the image data. Each of independent claims 1, 5, and 10-13 also has been amended to specify that the degree of auto adjustment is reduced when the light metering information shows that the specific metering method is used for the photographing. With regard to the independent claims, Applicant notes that recitation of “an image” in the phrase “an image expressed by the image data” provides antecedent basis for the recitation of “the image” in the phrase “lightness of the image.” In light of the changes to independent claims 1 and 5, claims 2 and 6 have been canceled herein.

The *Uchino* reference discloses a correcting process based on the method of metering in which the metering emphasizes a particular area of the metering. This correcting process is configured to correct based on the metering result of the particular area. In contrast with the claimed subject matter, however, the *Uchino* reference does not disclose any correcting

process in which *the degree of correction is changed based on the method of metering*. As each of the independent claims now specifies this feature, for at least this reason, the *Uchino* reference does not disclose each and every feature of independent claims 1, 5, and 10-13, as amended herein.

Accordingly, independent claims 1, 5, and 10-13, as amended herein, are patentable under 35 U.S.C. § 102(b) over *Uchino*. Claim 9, which depends from claim 1, is likewise patentable under 35 U.S.C. § 102(b) over *Uchino* for at least the same reasons set forth above regarding claim 1.

Rejection under 35 U.S.C. § 103

In the Office Action, claims 3, 4, 7, and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Uchino*. Each of claims 3 and 4 ultimately depends from independent claim 1, and each of claims 7 and 8 ultimately depends from independent claim 5. As noted above in connection with the anticipation rejection, the *Uchino* reference does not disclose any correcting process in which the degree of correction is changed based on the method of metering. Further, nothing in the *Uchino* reference would have suggested to one having ordinary skill in the art changing the degree of correction based on the method of metering. As such, for at least this reason, the *Uchino* reference would not have suggested to one having ordinary skill in the art the subject matter defined in amended claims 1 and 5. Accordingly, claims 3, 4, 7, and 8 are patentable under 35 U.S.C. § 103(a) over *Uchino* for at least the reason that these claims ultimately depend from either claim 1 or claim 5.

Conclusion

Applicant respectfully requests reconsideration and reexamination of claims 1, 3-5, and 7-13, as amended herein, and submits that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the

Application No. 10/616,695
Amendment dated July 30, 2007
Response to Office Action dated March 30, 2007

undersigned at (408) 749-6902. If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. MIPFP040).

Respectfully submitted,
MARTINE PENILLA & GENCARELLA, L.L.P.

A handwritten signature in black ink, appearing to read 'Peter B. Martine', with a long horizontal flourish extending to the right.

Peter B. Martine
Reg. No. 32,043

710 Lakeway Drive, Suite 200
Sunnyvale, California 94085
Customer Number 25920